

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 FRED ORELLANA,
12 Plaintiff.

13 v.
14
15 S. IRIZARY; C. JACKSON; C.D. HUFF;
16 R.S. DEN DULK,
17 Defendants.

18 Case No.: C 14-0464 JSC (PR)

ORDER OF TRANSFER

20 Plaintiff, a California prisoner at the Deuel Vocational Institute (“D.V.I.”), filed this
21 civil rights action pursuant to 42 U.S.C. § 1983 in which he complains about the conditions of
22 his confinement at DVI.¹

23 When, as here, jurisdiction is not founded solely on diversity, venue is proper in the
24 district in which (1) any defendant resides, if all of the defendants reside in the same state, (2)
25 the district in which a substantial part of the events or omissions giving rise to the claim
26 occurred, or a substantial part of property that is the subject of the action is situated, or (3) a

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28¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to U.S.C. § 636(c). (Dkt. No. 1.)

1 judicial district in which any defendant may be found, if there is no district in which the action
2 may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue,
3 the district court has the discretion either to dismiss the case or transfer it to the proper federal
4 court “in the interest of justice.” 28 U.S.C. § 1406(a).

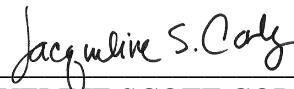
5 Plaintiff’s allegations arise out of events occurring at D.V.I., and the responsible
6 officials are located there. D.V.I. is located in Tracy, California, which lies within the venue
7 of the United States District Court for the Eastern District of California.

8 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is
9 TRANSFERRED to the United States District Court for the Eastern District of California

10 The Clerk of the Court shall transfer this matter forthwith.

11 **IT IS SO ORDERED.**

12
13 Dated: February 6, 2014


14 JACQUELINE SCOTT CORLEY
15 UNITED STATES MAGISTRATE JUDGE